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MINUTES OF COUNCIL REGULAR MEETING – JUNE 17, 2008

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JUNE 17, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt
Russ Brooks
Carolynn Burt
Joel Coleman
Corey Rushton
Steve Vincent
Mike Winder

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Richard Catten, City Attorney
Russ Willardson, Public Works Director
John Evans, Fire Chief
Kevin Astill, Parks and Recreation Director
Layne Morris, Community Preservation Director
Craig Black, Acting Police Chief
Gary Dunn, Acting Finance Director
John Janson, Acting CED Director
Aaron Crim Administration
Craig Thomas, Administration
Jake Arslanian, Public Works Department

14097 OPENING CEREMONY

The Opening Ceremony was conducted by Carolynn Burt who praised efforts of the City Recorder's Office during the election process. She also commented regarding democracy and encouraged everyone to vote.

14098 APPROVAL OF MINUTES OF REGULAR MEETING HELD JUNE 3, 2008

The Council read and considered the Minutes of the Regular Meeting held June 3, 2008. There were no changes, corrections or deletions.

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After discussion, Councilmember Coleman moved to approve the Minutes of the Regular Meeting held June 3, 2008, as written. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14099

COMMENT PERIOD

Upon inquiry by Mayor Nordfelt, the following individual addressed the City Council during the Comment Period:

Travis Devereaux, 3539 West 3565 South, addressed the City Council and stated appreciation for the opportunity to address some concerns. Mr. Devereaux stated he had been a resident of West Valley City for about 10 years. He stated he desired to bring the Council's attention to the habitual excessive reaction of some officers of the West Valley City Police Department when responding to a man with a gun, 911 call, especially when that man or woman who is carrying the firearm is in perfect accordance with Utah state code and law. On December 6, 2007, while out walking to get some exercise he was held at gunpoint by a Granite School District Police Officer and informed that if he touched his gun he would be killed. He was then ordered to lie down on the ground. Mr. Devereaux stated West Valley City Police Officers responded to the scene as well. His firearm was illegally taken from his secured holster and he was illegally detained on a City sidewalk or street. He and many others had encounters similar to this where the officers seemed to ignore Utah state laws and had inconvenienced them while peacefully walking down the street with an open firearm. He stated his desire to address that both concealed weapon permit holders and non-permit holders can do so. There are certain technicalities that separate them, as the laws are restrictive and not permissive. There is no law against it. He expressed being grateful to live in a country that protects his individual right to carry a firearm. He informed that he became a U.S. citizen in January of this year, after living here for nine years. He stated he was from Sweden originally and was grateful to be in

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this country. Mr. Devereaux stated this was an awesome opportunity to live in a country where we have rights, where we have visions, where people can succeed. He indicated the right to keep arms is part of the U.S. Constitution and the Utah Constitution clearly by Article 1 Section 6 of the Constitution. The Utah state code ensures that these rights are not infringed upon by County or City governments by spelling out a clear State preemption in Title 76 Chapter 10-500. Mr. Devereaux stated he recently spoke with an off-duty West Valley City Police Officer who said that it was procedure to respond with three to four cars, officers, or units, to a man with a gun call. He indicated this was a waste of resources and would like to see different procedures to answer these types of calls. He encouraged the Mayor to speak with Chief of Police Nielsen and Mr. Catten, the City Attorney, to inform the Police Department to the policy of an individual legally carrying a firearm. He indicated this problem could be dealt with by issuing a simple training bulletin for officers regarding the legality of open carry. He acknowledged the Attorney General, Mark Shurtleff also acknowledges the legality of open carry, and the bearer carries identification as well. He expressed appreciation for the fantastic job that the officers in West Valley City did, because they did respond when needed. He demanded that changes need to be made to address certain issues, for example, problems of harassment and illegal search and seizure that have been experienced by himself and several other law-abiding citizens and legal residents, as well as visitors to our City. Mr. Devereaux stated if this trend continued, those being harassed will be forced to take legal action in order to protect their rights. He thanked the City Council for their time.

Mayor Nordfelt inquired if Mr. Devereaux was aware of West Valley City's policy for citizens to make complaints regarding a police action or policy. Mayor Nordfelt explained the establishment of the Professional Standards Review Board and its role and encouraged Mr. Devereaux to go through that process regarding his complaint. Mayor Nordfelt inquired of those in attendance at the meeting to raise their hands if they were in support of the issues raised by Mr. Devereaux.

14100

PUBLIC HEARING, APPLICATION NO. Z-6-2008, FILED BY WEST VALLEY CITY, REQUESTING A ZONE CHANGE FROM 'R-1-8' (RESIDENTIAL, SINGLE-FAMILY, MINIMUM 8,000 SQ. FT. LOT SIZE) TO 'C-2' (GENERAL COMMERCIAL) FOR PROPERTY LOCATED AT APPROXIMATELY 3340 WEST 3508 SOUTH

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. Z-6-2008, filed by West Valley City, requesting a zone change from 'R-1-8' (Residential, Single-Family, minimum 8,000 sq. ft. lot size) to 'C-2' (General Commercial) for property located at approximately 3340 West 3508 South. He

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discussed proposed Ordinance No. 08-33 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 08-33 which would amend the Zoning Map to show a change of zone for property located at approximately 3340 West 3508 South from zone 'R-1-8' (Residential, Single-Family, minimum 8,000 sq. ft. lot size) to 'C-2' (General Commercial).

Mr. Pyle stated the proposal requested a zone change for a 0.12 acre parcel from 'R-1-8' to 'C-2.' He indicated surrounding zones included 'C-2' to the north and west and 'R-1-8' to the east and south. He stated that during the public hearing April 23, 2008, the Planning Commission recommended the property to the east be re-zoned to 'C-2.' Surrounding land uses included commercial uses to the north and west, and single-family homes to the east and south. He advised the subject property had been designated as General Commercial or Medium Density Residential (six to 10 units per acre) in the General Plan.

The City Manager reported the Utah Department of Transportation (UDOT) recently purchased the subject property due to impacts of the widening of 3500 South. He also reported the existing home on the property would be demolished. He stated the remaining property, which would be about 46-feet wide and was not desirable for a single-family home lot given the required setbacks for a corner lot and the proximity to the future eight lane road. He indicated after meeting the required side setbacks (assuming a house facing east), only about 6-feet of width would be left to build a home.

Mr. Pyle stated the owner of the commercial property to the west was interested in purchasing the subject property from UDOT to develop additional parking to help offset UDOT impacts to existing parking. He reported a copy of the concept plan had been provided to the City Council. He advised if the re-zone application was approved, the owner of the property west of the subject property would need to submit a conditional use amendment application to obtain approval for the amended parking design.

City Manager, Wayne Pyle, indicated according to State law UDOT was not allowed to apply for a zone change on property they acquired. He stated, hence, to facilitate the reuse of the unused UDOT property this application had been initiated.

Mayor Nordfelt opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

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ACTION: ORDINANCE NO. 08-33, AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT APPROXIMATELY 3340 WEST 3508 SOUTH FROM ZONE ‘R-1-8’ (RESIDENTIAL, SINGLE-FAMILY, MINIMUM 8,000 SQ. FT. LOT SIZE) TO ‘C-2’ (GENERAL COMMERCIAL)

The City Council previously held a public hearing regarding Application No. Z-6-2008, filed by West Valley City, and proposed Ordinance No. 08-33 which would amend the Zoning Map to show a change of zone for property located at approximately 3340 West 3508 South from zone ‘R-1-8’ (Residential, Single-Family, minimum 8,000 sq. ft. lot size) to ‘C-2’ (General Commercial).

After discussion, Councilmember Burt moved to approve Ordinance No. 08-33, an Ordinance Amending the Zoning Map to Show a Change of Zone for Property Located at Approximately 3340 West 3508 South from Zone ‘R-1-8’ (Residential, Single-Family, Minimum 8,000 sq. ft. lot size) to ‘C-2’ (General Commercial). Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14101

RESOLUTION NO. 08-164, AWARD CONTRACT TO KRISER-WHITE CONSTRUCTION, LLC, FOR THE 3200 WEST SIDEWALK PROJECT AT 4500 SOUTH

City Manager, Wayne Pyle, presented proposed Resolution No. 08-164 which would award a contract to Kriser-White Construction, LLC, in the amount of \$114,830.00 for the 3200 West Sidewalk Project at 4500 South.

Mr. Pyle stated bids had been solicited and a total of four bids had been received, as follows: 1) Kriser-White Construction: \$114,830.00; 2) Bowen Construction: \$115,077.31; 3) Cunningham Construction: \$121,894.90; and 4) Conexco: \$157,021.00. He reported the engineer’s estimate was in the amount of \$123,800.00.

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The City Manager reported Kriser-White Construction submitted the lowest responsible bid. He advised the project consisted of excavation of existing embankment, roadway improvements, excavation for a retaining wall by others, construction of approximately 500 feet of curb, gutter and sidewalk, placement of a street light, and the construction of a minor drainage structure.

After discussion, Councilmember Coleman moved to approve Resolution No. 08-164, a Resolution Awarding a Contract to Kriser-White Construction, LLC, and Authorizing the Execution of a Contract for the 3200 West Sidewalk Project at 4500 South. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14102 **RESOLUTION NO. 08-165, APPROVE EXHIBIT AGREEMENT WITH DOLLORES SHELEDY FOR THE DISPLAY OF ARTWORK ENTITLED, “THE WILD LIFE OF DOLLORES SHELEDY” AT THE UTAH CULTURAL CELEBRATION CENTER**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-165 which would approve an Exhibit Agreement with Dollores Shelledy for the display of artwork entitled, “The Wild Life of Dollores Shelledy” at the Utah Cultural Celebration Center (UCCC).

Mr. Pyle stated the subject exhibit would run from approximately July 1, 2008, through September 3, 2008. He also stated the works had been created by the Utah artist who had achieved national recognition who had an inspirational life story. He reported the exhibit consisted of seven oversize wildlife sculptures and there would be no exhibit fee. He stated the total value of the exhibition was approximately \$132,000.00 which would be insured under coverage limits established by the current URMMA (Utah Risk Management Mutual Association) policy with a \$1,000.00 deductible. He indicated the exhibit would be installed on the outdoor plaza and be easily assessable to patrons of the WorldStage summer concert series. The exhibit would also draw the public into the UCCC to

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experience the indoor Face of Utah Sculpture exhibit to be on display during that same time period. He stated a public reception would be held in conjunction with the opening of the Face of Utah Sculpture exhibit on July 10, 2008, from 6:00 P.M. – 8:00 P.M.

The City Manager indicated that through networking of personal and professional contacts, UCCC staff recently became aware of the works of Dollores Shelledy and the fact that many of her works (which had been on exhibit in various cities) had recently returned to Utah. He stated several works had never been shown in Utah. He indicated the artist was a self-taught sculptor who began her work at age 60; now at 81, she was still active in the arts community and taught art in public school programs. He reported the UCCC staff felt the exhibit would enhance existing programming, increase family participation and draw additional media attention to the UCCC. The artist would also be invited to host an ARTrageous Tuesday educational program during the exhibition period.

After discussion, Councilmember Vincent moved to approve Resolution No. 08-165, a Resolution Authorizing the Execution of an Exhibit Agreement between West Valley City and Dollores Shelledy for the Display of Artwork Entitled “The Wild Life of Dollores Shelledy” at the Utah Cultural Celebration Center. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14103

APPLICATION NO. S-16-2008, FILED BY CLC ASSOCIATES, REQUESTING FINAL PLAT APPROVAL FOR WEST VALLEY PAVILION SUBDIVISION LOCATED AT 5600 WEST PARKWAY BOULEVARD

City Manager, Wayne Pyle, presented Application No. S-16-2008, filed by CLC Associates, requesting final plat approval for West Valley Pavilion Subdivision located at 5600 West Parkway Boulevard.

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Mr. Pyle stated the proposal would divide the existing property into various commercial building lots. He indicated a remainder parcel would also be created to the west for future residential development. The subdivision plat would provide dedication along Parkway Boulevard and would also accomplish the dedication of a new City street that would divide the commercial uses from the future residential uses to the west.

The City Manager reported access would be gained by 5600 West, Parkway Boulevard, and from the new City street to the west. He further reported the developer was in the process of coordinating access from 5600 West with the Utah Department of Transportation (UDOT). The lot configurations had been established to accommodate various commercial buildings and uses. To date, the Planning Commission had evaluated Lot 1 and 2 regarding the Winco development. The remaining lots would be evaluated as conditional use applications in the future.

Mr. Pyle reported the subdivision was located within the 5600 West Overlay Zone. As such, all development would comply with the landscaping, streetscape and architectural requirements set forth in Section 7-22-400 of the West Valley City Code. As future development would undergo a conditional use process, those ordinances would be evaluated by the Planning Commission.

The City Manager stated a 10-foot trail system with a five-foot park strip would be required along the north side of Parkway Boulevard and on one side of the new City road to the west. The other side of the City road would have a five-foot sidewalk and a five-foot park strip. He indicated the design of the roadway would be coordinated with staff and the City Engineering Division.

After discussion, Councilmember Winder moved to approve Application No. S-16-2008, filed by CLC Associates, and give final plat approval for West Valley Pavilion Subdivision located at 5600 West Parkway Boulevard. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

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Unanimous.

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CONSENT AGENDA:

A. RESOLUTION NO. 08-166, RATIFY THE CITY MANAGER'S APPOINTMENT OF TIM CHEZEM AS THE CHAIRPERSON OF THE WEST VALLEY CITY CLEAN & BEAUTIFUL COMMITTEE, TERM: JULY 1, 2008 – JUNE 30, 2009

City Manager, Wayne Pyle, presented proposed Resolution No. 08-166 which would ratify the City Manager's appointment of Tim Chezem as the Chairperson of the West Valley City Clean & Beautiful Committee for the term July 1, 2008, through June 30, 2009.

B. RESOLUTION NO. 08-167, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF LENARD BARNEY TO THE STORM WATER ADVISORY BOARD, TERM: JULY 1, 2008 – JUNE 30, 2010

City Manager, Wayne Pyle, presented proposed Resolution No. 08-167 which would ratify the City Manager's reappointment of Lenard Barney to the Storm Water Advisory Board for the term July 1, 2008, through June 30, 2010.

C. RESOLUTION NO. 08-168, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF HAROLD WOODRUFF TO THE STORM WATER ADVISORY BOARD, TERM: JULY 1, 2008 – JUNE 30, 2010

City Manager, Wayne Pyle, presented proposed Resolution No. 08-168 which would ratify the City Manager's reappointment of Harold Woodruff to the Storm Water Advisory Board for the term July 1, 2008, through June 30, 2010.

D. RESOLUTION NO. 08-169, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF SHERI MCKENDRICK AS CHAIRPERSON OF THE LICENSE HEARING BOARD, TERM: JULY 1, 2008 – JUNE 30, 2009

City Manager, Wayne Pyle, presented proposed Resolution No. 08-169 which would ratify the City Manager's reappointment of Sheri McKendrick as Chairperson of the License Hearing Board for the term July 1, 2008, through June 30, 2009.

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- E. **RESOLUTION NO. 08-170, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF MARK E. BALL TO THE LICENSE HEARING BOARD, TERM: JULY 1, 2008 – JUNE 30, 2011**
City Manager, Wayne Pyle, presented proposed Resolution No. 08-170 which would ratify the City Manager's reappointment of Mark E. Ball to the License Hearing Board for the term July 1, 2008, through June 30, 2011.
- F. **RESOLUTION NO. 08-171, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF PHILLIP M. CONDER TO THE PLANNING COMMISSION, TERM: JULY 1, 2008 – JULY 1, 2012**
City Manager, Wayne Pyle, presented proposed Resolution No. 08-171 which would ratify the City Manager's reappointment of Phillip M. Conder to the Planning Commission for the term July 1, 2008, through July 1, 2012.
- G. **RESOLUTION NO. 08-172, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF BRENT FULLER TO THE PLANNING COMMISSION, TERM: JULY 1, 2008 – JULY 1, 2012**
City Manager, Wayne Pyle, presented proposed Resolution No. 08-172 which would ratify the City Manager's reappointment of Brent Fuller to the Planning Commission for the term July 1, 2008, through July 1, 2012.
- H. **RESOLUTION NO. 08-173, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF SANDRA NAEGLER TO THE BOARD OF ADJUSTMENT, TERM: JULY 1, 2008 – JULY 1, 2013**
City Manager, Wayne Pyle, presented proposed Resolution No. 08-173 which would ratify the City Manager's reappointment of Sandra Naegle to the Board of Adjustment for the term of July 1, 2008, through July 1, 2013.
- I. **RESOLUTION NO. 08-174, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF SCOTT SPENDLOVE TO THE BOARD OF ADJUSTMENT, TERM: JULY 1, 2008 – JULY 1, 2013**
City Manager, Wayne Pyle, presented proposed Resolution No. 08-174 which would ratify the City Manager's reappointment of Scott Spendlove to the Board of Adjustment for the term July 1, 2008, through July 1, 2013.
- J. **RESOLUTION NO. 08-175, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF SIOELI ULUAKIOLA TO THE BOARD OF ADJUSTMENT, TERM: JULY 1, 2008 – JULY 1, 2013**

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City Manager, Wayne Pyle, presented proposed Resolution No. 08-175 which would ratify the City Manager's reappointment of Sioeli Uluakiola to the Board of Adjustment for the term July 1, 2008, through July 1, 2013.

K. RESOLUTION NO. 08-176, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF DON MEYERS TO THE CIVIL SERVICE COMMISSION, TERM: JULY 1, 2008 – JULY 1, 2014

City Manager, Wayne Pyle, presented proposed Resolution No. 08-176 which would ratify the City Manager's reappointment of Don Meyers to the Civil Service Commission for the term July 1, 2008, through July 1, 2014.

L. RESOLUTION NO. 08-177, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM PATRICIA A. ALLEN AND WALTER J. ALLEN FOR PROPERTY LOCATED AT 3927 SOUTH 3600 WEST, 3600 WEST RECONSTRUCTION PHASE 2 PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 08-177 which would accept a Grant of Temporary Construction Easement from Patricia A. Allen and Walter J. Allen for property located at 3927 South 3600 West regarding the 3600 West Reconstruction Phase 2 Project.

Mr. Pyle stated Patricia A. Allen and Walter J. Allen had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of 3600 West from 3500 South to 4100 South. He stated the grantors had previously signed a Grant of Temporary Construction Easement which terminated December 31, 2007, and for which they had been compensated \$200.00. He further reported as the project was delayed until the 2008 construction seasons, a new easement had been required, which easement would automatically expire December 31, 2008.

M. RESOLUTION NO. 08-178, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM RODOLFO ORTIZ FOR PROPERTY LOCATED AT 3903 SOUTH 3600 WEST, 3600 WEST RECONSTRUCTION PHASE 2 PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 08-178 which would accept a Grant of Temporary Construction Easement from

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Rodolfo Ortiz for property located at 3903 South 3600 West regarding the 3600 West Reconstruction Phase 2 Project.

Mr. Pyle indicated Rodolfo Ortiz had signed the Grant of Temporary Construction Easement.

Mr. Pyle stated the subject parcel was one of the properties affected by construction of 3600 West from 3500 south to 4100 South. He reported compensation for the construction easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2008.

N. RESOLUTION NO. 08-179, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM ALEXANDER I. AND ELIZABETH REICHERT FOR PROPERTY LOCATED AT 3642 SOUTH 2200 WEST, 2200 WEST SIDEWALK PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 08-179 which would accept a Grant of Temporary Construction Easement from Alexander I. and Elizabeth Reichert for property located at 3642 South 2200 West regarding the 2200 West Sidewalk Project.

Mr. Pyle stated Alexander I. and Elizabeth Reichert had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of 3600 West from 3500 South to 4100 South. He also reported compensation for the construction easement would be in the amount of \$200.00, which easement would expire December 31, 2008.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 08-166, 08-167, 08-168, 08-169, 08-170, 08-171, 08-172, 08-173, 08-174, 08-175, 08-176, 08-177, 08-178 and 08-179, as presented on the Consent Agenda. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

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Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, JUNE 17, 2008, WAS ADJOURNED AT 6:44 P.M., BY MAYOR NORDFELT.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, June 17, 2008.

Sheri McKendrick, MMC
City Recorder

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